

The following remarks are submitted in response to the Final Office Action mailed November 7, 2001 in the above-identified application.

### **REMARKS**

Claims 22-25 are pending in the application and stand under appeal in view of the Notice of Appeal filed May 7, 2002. The foregoing amendment and following remarks are submitted to place the application in condition for allowance or better condition for appeal. If the amendment is entered, claim 25 will be cancelled, thus claim 25 is not discussed herein.

Each of the pending claims stands rejected under 35 USC 103(a). Reconsideration of the claims is respectfully requested.

### **Claims 22 and 24 – 35 USC 103(a)**

The rejection of claims 22 and 24 under 35 USC 103(a) as obvious over Goldhaber et al., US Patent No. 5,794,210 (“Goldhaber et al.”) in view of O’Neil et al., US Patent No. 5,987,440 (“O’Neil et al.”) is respectfully traversed.

Claim 22 has been amended to include details relating to the purchase data of the first and the second consumer. Support for this amendment may be found, for example, on page 5 and original claim 11 of the present specification.

Claim 22 has also been amended to recite that the combining and anonymizing steps are performed independently of input by the first or second consumer. Support for this amendment may be found, for example, on page 5, lines 30 and 31.

These amendments have been made for purposes of clarity.

The cited art has been discussed in prior responses. The Examiner admits that Goldhaber et al. fails to disclose that the profile data for a customer is combined with profile data from a second customer and that Goldhaber et al. fails to disclose or suggest combining the profile data disclosed therein and then anonymizing the combined data.

The Examiner cites O'Neil et al. to cure the deficiencies of the primary reference. Applicants disagree that O'Neil cures the deficiencies for the reasons of record. Moreover, as noted by the Examiner, features the system disclosed by O'Neil are user driven based on user (consumer) input. In contrast, in a method of the present claims, combining and anonymizing purchase data of a first and a second consumer are performed independently of any input from the consumer. Thus, the present claims may be further distinguished from the system disclosed in O'Neil.

Claim 24 is also patentable over the combination of Goldfaber et al. and O'Neil et al. for similar reasons.

For these reasons the Examiner is respectfully requested to withdraw the rejection of claims 22 and 24 under 35 USC 103(a).

**Claim 23 – 35 USC 103(a)**

The rejection of claim 23 under 35 USC 103(a) as obvious over Goldhaber et al. in view of O'Neil et al. and further in view of Low et al., US Patent No. 5,420,926 ("Low et al.") is respectfully traversed.

Claim 23 is dependent on claim 22 which, for the reasons set forth above, is patentable over Goldhaber et al. and O'Neil et al. Accordingly, claim 23, which is dependent on claim 22 is patentable and the Examiner is respectfully requested to withdraw the rejection.

**Conclusion**


It is respectfully submitted that this application is in condition for allowance, and such disposition is earnestly solicited. If the examiner believes that the prosecution might be advanced by discussing the application with applicant's representative, the examiner is encouraged to contact Charles W. Calkins, Reg. No. 31,814 at 336.607.7315.

Date:

6/20/02

By:

Respectfully submitted,



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**Version With Markings To Show Changes Made**

**Amendments in the Claims**

In accordance with 37 CFR 1.121(c), the following version of the claims as rewritten by the foregoing amendments show all the changes made relative to the previous versions of the claims, with additions underlined and deletions [bracketed].

**IN THE CLAIMS:**

Claim 25 has been deleted without prejudice and claim 22 has been amended as follows:

22. (Amended) A method of transmitting purchase data in a database concerning a first consumer's order to at least one merchant independently of action by the first consumer, the method comprising:

storing a first data store made up of data comprising a first consumer's purchase data;

storing a second data store made up of data comprising a second consumer's purchase data;

extracting the first consumer's purchase data from the database;

extracting the second consumer's purchase data from the database;

combining the first consumer's purchase data with the second consumer's [similar] purchase data [from a second consumer's order];

anonymizing the purchase data from the first and second consumers' orders into anonymous data; and

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transmitting the anonymous data to the at least one merchant wherein the combining  
and anonymizing steps are performed independently of any input from the first or second  
consumer.